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BEFORE THE HUMAN RIGHTS COMMISSION OF THE STATE OF MONTANA

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Arthur P. Kaske ,  
Charging Party,  
  
-v-  
  
Margaret Borg,  
Respondent.  
  
\*\*\*\*\*

)  
)  
) Case No. 0025010080  
)  
) **ORDER AFFIRMING DISMISSAL**  
)  
)

The above captioned matter came before the Montana Human Rights Commission (Commission) on July 18, 2002. The matter was before the Commission for consideration of Charging Party’s objection to the notice of dismissal and right to file civil action in district court. Oral argument was requested, and Charging Party appeared via telephone. Respondent did not appear.

After considering the record and arguments of Charging Party, the Commission concludes the Bureau properly dismissed the matter. The investigator determined, and the record supports, a finding that Charging Party did not establish a prima facie case for discrimination because discrimination based on the alleged sexual orientation of either party does not fall under the auspices of the Montana Human Rights Act, MCA ‘ 49-2-101 *et. seq.* The investigator did not abuse discretion in issuing a notice of dismissal. 24.9.1714(3), ARM. Accordingly, the notice of dismissal must be affirmed.

The parties are advised that the Charging Party has 90 days after receipt of this order to file a civil action in district court to seek appropriate relief. MCA ‘ 49-2-509(5). If the Charging Party fails to file a civil action in district court within that 90-day period, the Charging Party’s claims under the Montana Human Rights Act as stated in the above-captioned complaint will be barred.

IT IS HEREBY ORDERED that the Charging Party’s objection is unanimously overruled and the notice of dismissal is affirmed.

1 Dated this \_\_\_\_\_ day of July, 2002

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Gary Hindoien, Chair,  
Montana Human Rights Commission

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that a true copy of the foregoing was served to the following persons via US Mail, postage prepaid, on the \_\_\_\_\_ day of July, 2002.

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Arthur P. Kaske  
A028809 Dawson County Detention  
440 Colorado Blvd.  
Glendive, MT 59330

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Jeanna Neva  
Case Manager  
Dawson County Detention  
440 Colorado Blvd.  
Glendive, MT 59330

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Margaret Borg  
Missoula Public Defender=s Office  
317 Woody St.  
Missoula, MT 59802

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Human Rights Bureau

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